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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,011	02/07/2002	Donald R. Vinding	98408	1969

7590 12/29/2003

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COSTA MESA, CA 92626

EXAMINER
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KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 12/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/072,011

Applicant(s)

VINDING, DONALD R.

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the phrase, "first wheel urging" and "second wheel urging", is indefinite and vague. What is meant by "urging"?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, U.S. Patent No. 6371398 B1, in view of Mastrangelo, U.S. Patent No. 6405961 B1.

With respect to claims 1-3, Liao shows a retractable reel (4) for flexible wire (3) comprising: a housing (1, 2) defining an interior cavity (no reference number assigned, see figure 7) and first and second apertures (no reference number assigned, see figure 2); a first wire wheel (4) rotatably supported within said housing (1, 2); a first spring (5) coupled to said first wheel (4) moving first wheel (4) toward a first winding direction of rotation; a first ratchet pawl mechanism (6) coupled to said first wheel (4) for releasably

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latching said wheel (4) against rotation in said first winding direction of rotation; a first flexible wire (3) wound upon said first wheel (4) having a first external end (no reference number assigned), said first external end and a portion of said first flexible wire passing outwardly through said first aperture (see figure 2); a second wheel (the opposite side, different 4) rotatably supported within said housing; a second spring coupled to said second wheel moving said second wheel toward a second winding direction of rotation; a second ratchet pawl mechanism (the opposite side, different 6) coupled to said second wheel for releasably latching said wheel against rotation in said second winding direction of rotation; a second flexible wire (the other half portion of the wire 3) wound upon said second wheel having a second external end, said second external end and a portion of said second flexible wire passing outwardly through said second aperture; whereby said first and second wire may be independently wound upon or withdraw from said first and second wire wheels respectively (column 4, lines 35-46), as shown in Figs. 2, and 7-9.

Liao discloses the claimed invention except for use with flexible tubing having internal ends for both first and second tube and a rotatable coupler connecting the first and second internal ends.

Mastrangelo teach a flexible tube (column 2, lines 1-8) and a connection member 34, as shown in Figure 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Liao to wind a flexible tube having a

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connecting member as taught by Mastrangelo to provide storage for tubes as needed without twisting the tube during winding and unwinding.

It has been held that the recitation that an element is "may be" performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

With respect to claim 4, as advanced above, Liao shows the first and second winding directions are the same.

Mastrangelo shows the spring 42 and 44 can be arranged in an opposite direction so that the first and second winding directions are oppositely oriented, as described on column 3, lines 26-45, and as shown in figure 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Liao to arrange the spring in an opposite direction as taught by Mastrangelo to provide oppositely oriented windings.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of record show other examples of retractable reel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

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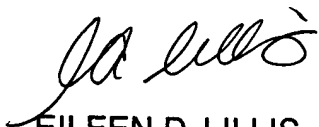
The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

12/12/03

  
EILEEN D. LILLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600